

Check this box ☒ +

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**MITTAL**  
**RM**

Application Number	09/147,819
Filing Date	March 23, 1999
First Named Inventor	Cardosa, et al.
Group Art Unit	1648
Examiner Name	Mosher, M.
Attorney Docket No.	20238-0703-US

Total Number Of Pages In This Submission

39

**ENCLOSURES (check all that apply)**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                        | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input checked="" type="checkbox"/> Amendment / Reply                           | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input checked="" type="checkbox"/> After Final                                 | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations                                | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request                   | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below):                          |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Terminal Disclaimer   |   |
| <input type="checkbox"/> Information Disclosure Statement                       | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   | Remarks  |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm  
or  
Individual Name

Bingham McCutchen LLP  
Susan Hubl  
Patent Agent  
Reg. No. 47,668

Signature

*Susan Hubl*

Date

11/1/02

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Mary E. Mosher, Ph.D. at Facsimile No. (703) 208-4242 at 12 a.m. 6.m.

Dated:

11/4/02

Name of Person Certifying:

Printed Name:

*James W. Davis, Jr.*  
James W. Davis, Jr.

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

OFFICIAL

BINGHAM McCUTCHEN

Facsimile

FAX RECEIVED

NOV 05 2002

00106881

GROUP 1600

DATE November 4, 2002

	NAME	FAX	PHONE
TO	Mary E. Mosher, Ph.D. Primary Examiner Group 1600 USPTO	<del>(703) 208-4242</del> 703-308-4282	

FROM Jim Davis (415) 393-2286 (415) 393-2133  
Secretary to Susan Hubl, Ph.D.,  
Patent Agent  
jim.davis@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 40

RE USSN: 09/147,919  
Docket No.: 20239-0703-US

Message:

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA  
94111-4067

415.393.2000  
415.393.2286 fax

bingham.com

Boston  
Hartford  
London  
Los Angeles  
New York  
San Francisco  
Silicon Valley  
Singapore  
Walnut Creek  
Washington

For transmission problems, please call (415) 393-2174

Caution - Confidential

The information in this fax is confidential and may also be privileged attorney-client information and attorney work product. It is intended only for the recipient(s) named above. If you aren't a named recipient or his/her authorized representative, any reading, use, copying or disclosure of this fax is strictly prohibited. If you aren't a named recipient, please call the above number (collect) now and return this fax to us by mail at the above address. Thank you.

**FEE TRANSMITTAL  
FOR FY 2002**

Patent fees are subject to annual revision.

**Complete If Known**

Application Number	09/147,819
Filing Date	March 23, 1999
First Named Inventor	Cardosa, et al.
Examiner Name	Mosher, M.
Group Art Unit	1648
Attorney Docket No.	20239-0703-US

**TOTAL AMOUNT OF PAYMENT**(\$)**920.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1193

Deposit  
Account  
Name

Bingham McCutchen LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

- ☐
- Check
- ☐
- Credit Card
- ☐
- Money Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**(\$)**0-****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
20	0	0	\$0
3	0	0	\$0
Multiple Dependent	0	0	\$0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims. If not paid	
109	84	209	42	*Release independent claims over original patent	
110	18	210	9	*Release claims in excess of 20 and over original patent	

**SUBTOTAL (2)**(\$)**0-**

\*\* or number previously paid, if greater. For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	\$ 920.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
118	330	218	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
178	740	278	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**(\$)**920.00****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

Susan Hubl

Registration No.  
(Attorney/Agent)

47,568

Telephone

(415) 393-2000

Signature

Susan Hubl

Date

11/1/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2034.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Commissioner for Patents, Washington, DC 20231

NOV 4 2002 12:22PM

BINGHAM MCCUTCHEN - SF

#15  
Amult: D (st)  
11/07/02  
ca

Attorney Docket No.: 20239-703US

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Mary E. Mosher, Ph.D. at Facsimile No. (703) 208-4242 at 12 a.m./p.m.

Dated: 11/4/02

Name of Person Certifying: [Signature]

Printed Name:

James W. Davis, Jr.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: ... Cardoso et al

Assignee: ... Bavarian Nordic Research  
Institute A/S

Serial No.: 09/147,919

Examiner: M. Mosher

Filing Date: March 23, 1999

Group Art Unit: 1641

Title: Recombinant MVA Virus Expressing Dengue Virus Antigens, and the Use Thereof in Vaccines

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE AFTER FINAL UNDER 37 C.F.R. § 1.116**

Sir:

Responsive to the Office Action of November 30, 2001 ("Office Action") in the above-identified patent application, and the Examiner's Interview on July 23, 2002, please enter the following amendments for the purpose of putting the application in condition for allowance, or alternatively, to narrow the issues for appeal. Applicant respectfully requests reconsideration of the above-identified application in view of the following amendments and remarks.

A Notice of Appeal was filed on May 30, 2002, and received at the USPTO on June 7, 2002. This response is accompanied by a petition for a 3 month extension of time to extend the period to respond to November 7, 2002. Accordingly this response is timely filed.

**AMENDMENTS IN THE CLAIMS**

Please CANCEL claims 29-31.

21457180.1/20239-0703

11/1/02 3:39 PM